

Application Number 10/522394  
Response to the Office Action dated August 11, 2008

**REMARKS**

Favorable reconsideration of this application is requested in view of the following remarks.

Claim 1 has been amended to include limitations of original claim 3 in addition to editorial revisions. Accordingly, claim 3 has been canceled, and claim 4 has been amended editorially.

Claim 13 has been amended to include limitations of original claim 15 in addition to editorial revisions. Accordingly, claim 15 has been canceled, and claim 16 has been amended editorially.

Claims 13-16 have been rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al. (International Patent Application Publication No. WO 2002/44705). Applicants respectfully traverse this rejection.

Claim 15 has been canceled, and the limitations of original claim 15 have been included in claim 13.

Claim 13 requires a sample analyzer that includes the selector that selects two electrodes, under the controller's control, for a measurement of the second response for determining whether a proper amount of the sample is supplied to the reaction field and that a combination of electrodes used for the measurement of the second response be different from a combination selected for the first response for analyzing the sample. Thus, claim 13 requires the sample analyzer that uses two different combinations of the electrodes, one for the first response for analyzing the sample and the other for the second response for determining the proper sample supply. In Miyazaki, however, the sensor measures voltages between a measuring electrode (38) and a counter electrode (37), i.e., between AE, and between the measuring electrode (38) and a detecting electrode (39), i.e., between AC, for both responses, i.e., a response for analyzing the sample and that for determining the proper introduction of the sample (see page 17, line 27 – page 18, line 1; steps 14-19 of Fig. 6 and page 18, line 7 – page 19, line 4; and page 21, lines 22 – page

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22, line 5, which correspond to coln. 11, lines 61-67; steps 14-19 of Fig. 6 and coln. 12, lines 8-46; and coln. 14, lines 21-38 of U.S. Patent No. 7,232,510). Thus, the sensor disclosed by Miyazaki selects two combinations and uses the same two combinations for both analysis of the sample and determination of the proper supply of the sample, and Miyazaki fails to disclose the sensor including the selector that selects a different combination of electrodes used for determining proper supply of the sample from a combination of the electrodes used for analyzing the sample as claim 13 requires. Accordingly, claim 13 is distinguished from Miyazaki, and this rejection should be withdrawn.

Claims 1, 2, 13, and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Musho et al. (European Patent No. 1,074,832) in view of Genshaw et al. (U.S. Patent No. 5,620,579). Applicants respectfully traverse this rejection.

Claims 1 and 13 have included limitations of original claims 3 and 15, respectively, and Musho does not disclose these limitations. Genshaw does not remedy the deficiencies of Musho. Accordingly, this rejection is moot and should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.




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DPM/my/ad

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